

designation (operation) is a part of the data communication system, no new matter has been added.

**The Rejection Under  
35 U.S.C. § 112, ¶ 2**

Claim 19 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the Applicant's invention. The Examiner took the position that the expression "said designation means" used in the claim lacked sufficient antecedent basis.

Claim 19 has been carefully reviewed and, where appropriate, has been revised to attend to the point noted by the Examiner. Accordingly, favorable reconsideration and withdrawal of this rejection are earnestly solicited.

**The Rejections Under  
35 U.S.C. § 103**

Claims 1-4 and 6-20 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,644,404 to Hashimoto et al. Applicant respectfully traverses this rejection and submits the following arguments in support thereof.

Applicant's invention, as set out in claim 1, involves a data communication system having means for connecting a data processing terminal to the data communication system, operation means for inputting a manual designation caused by an operator, the operation means being part of the data communication system, transmission means for transmitting data based on the designation input by the operation means through a line different from the

connection means, and notification means for notifying the data processing terminal through the connection means of a transmission result information related to data transmission performed by the transmission means based on the designation input by the operation means in accordance with a change in state of the data communication system.

The other rejected independent claims, claims 7, 13 and 17-20, involve data communication system, a method of controlling a data processing terminal, a method of controlling a system having a data communication system, a computer readable program for controlling a data communication system, a computer readable program for controlling a data communication system, and a computer readable program for controlling a data processing terminal, respectively. These claims all include features which are, for the purposes of addressing this rejection, comparable to features of claim 1 already discussed, and which features will now be shown to patentably distinguish over the cited art.

Applicant respectfully traverses the Examiner's contention that the present invention is suggested by Hashimoto's server terminal 1, which is included with a keyboard 12a.

Applicant submits that Hashimoto merely teaches that a facsimile transmission processing unit 600 transmits response data or data from a client terminal (terminal 3) through telephone line 5. The sending result indicated in Fig. 7 of Hashimoto is based upon the sending of a request from a client terminal, and the sending result is notified to the client terminal issuing the sending request.

Hashimoto in no way suggests that data is transmitted based upon the manual operation from keyboard 12a, and further, that the transmission result of the transmission performed based upon the manual operation from the keyboard 12 is notified to the client terminal.

Thus, Applicant submits that the claimed invention is in no way suggested by the cited art.

Claims 2-4, 6, 8-12 and 14-16, the other rejected claims, all ultimately depend from and so incorporate by reference all the features of claims 1, 7 and 13, respectively. These other rejected claims therefore patentably distinguish over the cited art at least for the reasons just given with regard to those base claims.

For all the foregoing reasons, favorable reconsideration and withdrawal of this rejection are respectfully requested.

Claim 5 was rejected under 35 U.S.C. § 103 as being unpatentable over Hashimoto in view of U.S. Patent No. 5,377,017 to Lam. Applicant respectfully traverses this rejection and submits the following arguments in support thereof.

Claim 5 depends from and so incorporates by reference all the features of claim 1. Claim 5 therefore avoids Hashimoto for the reasons already given with regard to claim 1.

The Examiner looks to Lam as suggesting sending an "end of message" signal in a facsimile system upon the completion of data transmission, to inform the destination that there are no further pages. Even assuming *arguendo* that is true, the Examiner

does not and cannot contends that Lam suggests the aspects of this invention just shown to avoid Hashimoto. Thus, Lam does not remedy the deficiencies of the other art, and so the claimed invention avoids the combination of Hashimoto and Lam for the reasons already given with regard to Hashimoto alone.

Accordingly, favorable reconsideration and withdrawal of this rejection are respectfully requested.

### CONCLUSION

Applicant respectfully submits that all outstanding rejections and objections have been addressed and are now either overcome or moot. Applicant further submits that all claims pending in this application are patentable over the prior art. Reconsideration and withdrawal of those rejections and objections is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests entry of this amendment and submit that entry of this amendment will place the present application in condition for allowance. It is further submitted that entry of this amendment can be approved by the Examiner consistent with Patent and Trademark Office practice, since the changes it makes should not require a substantial amount of additional work by the Examiner. It is believed that the changes presented in this amendment either address matters of form or issues that the Examiner has previously considered.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

David Schaeffer  
Attorney for Applicant

Registration No. 32,716

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200  
NY\_MAIN 22886v1